

### **REMARKS**

Claims 1, 2, and 4 – 39 (as currently numbered) are currently pending in the subject application and are presently under consideration. Claims 1, 4, 30-31, 33, and 35-37 have been amended as shown on p. 2, 6 – 7 of the Reply. Claim 3 has been canceled as shown on p. 2 of the Reply.

The Examiner is thanked for the courtesies extended to Applicants' representative Larry M. Kasoff in a telephone interview on February 1, 2008. During the interview, the Meijer (US 7,219,329) reference was discussed. Agreement was reached that Meijer is not a citable reference with respect to the subject application pursuant to 35 U.S.C. § 103(c)(1). Since the Meijer reference is not a citable reference, the Examiner pointed to paragraph [0584] of Elliott (2002/0064149) in an attempt to teach a managed code framework when discussing claim 7.

Favorable reconsideration of the subject patent application is respectfully requested in view of the comments and amendments herein.

#### **I. Objection to Claim 4**

Claim 4 is objected to because one of the aspects is awkwardly worded. In particular, the Office believes, "response to the callback transmitted to the destination" is awkwardly worded. Claim 4 has been amended to recite, "in response the filter component permits only a relevant response to the callback to *be* transmitted to the destination." Hence, it is believed that claim 4 is no longer awkwardly worded.

Accordingly, Applicants request withdrawal of this rejection.

#### **II. Claim Numbering**

The claims are objected to because claims 27-40 were misnumbered. Specifically, there was no claim 26. The Office requested the misnumbered claims be renumbered to claims 26-39. Applicants have renumbered the claims, as well as updated the dependencies of dependent claims, accordingly. In order to not obscure amendments made to change certain dependencies, the updated dependencies in dependent claims 30, 31, and 39 are not redlined or bracketed. Furthermore, in order to avoid further confusion, reference throughout the Reply is made to the current, correctly numbered

claims and the rejections have been stated accordingly.

Thus, Applicants request withdrawal of this objection.

**III. Rejection of Claims 1, 5, 9-11 and 16-18 Under 35 U.S.C. §103(a)**

Claims 1, 5, 9-11, and 16-18 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Underwood (US 6,523,027). For at least the following reasons, this rejection should be withdrawn.

Claim 1, as amended, recites, “*the filter component is part of at least one of native code and managed code.*” Underwood does not teach this aspect.

The recited aspect was originally recited in now canceled dependent claim 3. As implied by the rejection of claim 3 at page 4 of the Office Action, the Office admits that Underwood does not teach this aspect and uses Meijer (US 7,219,329) to correct the deficiency. Accordingly, claim 1 is allowable over Underwood.

As discussed in greater detail *infra*, as well as during the examiner interview, Meijer is not a citable reference against this application pursuant to 35 U.S.C. §103(c)(1). Accordingly, claim 1 is allowable.

Claims 5, 9-11, and 16-18 depend upon independent claim 1 and are allowable for at least the same reasons as independent claim 1.

Accordingly, Applicants respectfully request withdrawal of this rejection.

**IV. Rejection of Claims 2-3 and 15 Under 35 U.S.C. §103(a)**

Claims 2-3 and 15 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Underwood in view of Meijer *et al* (US 7,219,329). For at least the following reason, this rejection should be withdrawn.

As stated *supra*, claim 3 was canceled and the recited aspect incorporated into independent claim 1.

Regardless of whether or not the Office is correct in its analysis of the Meijer reference, Meijer is not citable prior art with respect to the present application. The following is a quotation of 35 U.S.C. §103(c)(1) which forms at least one basis for withdrawal of this rejection:

(c)(1) Subject matter developed by another person, which qualifies as prior art only under subsection (e), (f), and or (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person.

The subject matter of Meijer and the claimed invention were, at the time the invention was made, owned by or subject to an obligation of assignment to Microsoft Corporation. Therefore, Meijer is not a citable reference with respect to the subject application. In view of the foregoing, the rejection should be withdrawn.

**V. Rejection of Claims 4 and 14 Under 35 U.S.C. §103(a)**

Claims 4 and 14 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Underwood in view of Ahmed *et al* (US 6,647,432). For at least the following reasons, this rejection should be withdrawn.

Claims 4 and 14 depend upon independent claim 1. As stated *supra*, Underwood does not teach or suggest every aspect of claim 1. Ahmed does not correct this deficiency. Accordingly, claims 4 and 14 are allowable over Underwood, alone or in combination with Ahmed.

**VI. Rejection of Claim 6 Under 35 U.S.C. §103(a)**

Claim 6 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Underwood in view of Moakley *et al* (US 2005/0050545). For at least the following reasons, this rejection should be withdrawn.

Claim 6 depends upon independent claim 1. As stated *supra*, Underwood does not teach or suggest every aspect of claim 1. Moakley does not correct this deficiency. Accordingly, claim 6 is allowable over Underwood, alone or in combination with Moakley.

**VII. Rejection of Claims 7, 12 and 13 Under 35 U.S.C. §103(a)**

Claims 7, 12 and 13 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Underwood in view of Elliot *et al* (US 2002/0064149). For at least the following

reasons, this rejection should be withdrawn.

Claims 7, 12, and 13 depend upon independent claim 1. As stated *supra*, Underwood does not teach or suggest every aspect of claim 1. Elliott does not correct this deficiency.

During the interview, the Examiner pointed to paragraph [0584] to teach the managed code framework of claim 7. In particular, the Examiner notes that Elliott teaches “VME,” which can correspond to a Virtual Machine Environment. However, Applicants note that only the abbreviation “VME” is used and in context of the paragraph mostly likely refers to Versa Module Europa, which is a type of bus. Specifically, ISA, EISA, SCbus, MVIP bus, etc. are all types of system buses. Moreover, a Virtual Machine Environment is not a physical interface that can connect the modem to the host processor interface.

Accordingly, claims 7, 12 and 13 are allowable over Underwood, alone or in combination with Elliott.

#### **VIII. Rejection of Claim 8 Under 35 U.S.C. §103(a)**

Claim 8 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Underwood in view of Elliot (US 7,145,898). For at least the following reasons, this rejection should be withdrawn.

Claim 8 depends upon independent claim 1. As stated *supra*, Underwood does not teach or suggest every aspect of claim 1. Elliott (US 7,145,898) does not correct this deficiency. Accordingly, claim 8 is allowable over Underwood, alone or in combination with Elliott.

#### **IX. Rejection of Claims 19-20, 22, 26-35 and 38 Under 35 U.S.C. §103(a)**

Claims 19-20, 22, 26-35 and 38 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Underwood in view of Meijer and further in view of Elliot (US 2002/0064149). For at least the following reason, this rejection should be withdrawn.

As stated *supra*, Meijer is not citable as prior art with respect to the present application. Accordingly, this rejection should be withdrawn.

**X.     Rejection of Claims 21, 23-25, 36-37 and 39 Under 35 U.S.C. §103(a)**

Claims 21, 23-25, 36-37 and 39 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Underwood in view of Meijer and Elliot and further in view of Ahmed *et al* (US 6,647,432). For at least the following reason, this rejection should be withdrawn.

As stated *supra*, Meijer is not citable as prior art with respect to the present application. Accordingly, this rejection should be withdrawn.

**CONCLUSION**

The present application is believed to be in condition for allowance in view of the above comments and amendments. A prompt action to such end is earnestly solicited.

In the event any fees are due in connection with this document, the Commissioner is authorized to charge those fees to Deposit Account No. 50-1063 [MSFTP571US].

Should the Examiner believe a telephone interview would be helpful to expedite favorable prosecution, the Examiner is invited to contact applicants' undersigned representative at the telephone number below.

Respectfully submitted,

AMIN, TUROCY & CALVIN, LLP

/Himanshu S. Amin/

Himanshu S. Amin

Reg. No. 40,894

AMIN, TUROCY & CALVIN, LLP  
24<sup>TH</sup> Floor, National City Center  
1900 E. 9<sup>TH</sup> Street  
Cleveland, Ohio 44114  
Telephone (216) 696-8730  
Facsimile (216) 696-8731